



CITY AND BOROUGH OF SITKA

ASSEMBLY CHAMBERS
330 Harbor Drive
Sitka, AK
(907)747-1811

Minutes - Final City Assembly

MAYOR Scott McAdams
Jack Ozment, Deputy Mayor - Reber Stein, Vice Deputy Mayor
Cheryl Westover - Mim McConnell
Phyllis Hackett - Larry Crews

MUNICIPAL ADMINISTRATOR: Jim Dinley
MUNICIPAL ATTORNEY: Theresa Hillhouse
MUNICIPAL CLERK: Colleen Ingman, MMC

Tuesday, March 23, 2010

6:00 PM

Assembly Chambers

WORKSESSION 2nd QUARTER FY 2009/2010 BUDGET REVIEW 5:00 - 6:00 PM

REGULAR MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

Present: 6 - McAdams, Ozment, Stein, Westover, Crews, and McConnell

Absent: 1 - Hackett

IV. CORRESPONDENCE/AGENDA CHANGES

A [10-051](#) Assembly calendar, reminders and correspondence.

This matter was RECEIVED.

Government-to-Government Update with Sitka Tribe of Alaska

Government-to-Government Councilman Dale Williams praised the Assembly for how the Town Meeting was handled. He handed out the "new and improved" Council's Voice that listed articles and upcoming events. He pointed out the newsletter included their legislative, state and federal priorities and noted STA will be advocating for increased Tribal Court funding. They are working towards trying to restart the Government-to-Government relationship with the State.

Mayor McAdams mentioned a Tribal Council is placing a Tribal College in downtown Juneau. He reminded the Tribe of the possibility of collaborating efforts here in Sitka, especially in light of the vacated Sheldon Jackson College.

V. CEREMONIAL MATTERS

- B [10-045](#) 2010 Census Partner Proclamation

Mayor McAdams read the 2010 Census Partner Proclamation.

VI. **SPECIAL MUNICIPAL/COMMITTEE/COMMISSION REPORTS:**

- C [10-050](#) Report on the US Census - Assemblywoman Westover

Sponsors: Westover

US Census Chair Ms. Westover thanked co-chair Nancy Cavanaugh and other committee members. "You count in Sitka 2010" is their slogan. Each person counted equates to \$1,500 a year x 10 years -- the life of the census, or \$15K for the community. If by April 11 residents have not received an application they are asked to call Ms. Westover. Westover mentioned each residence is coded so it is important to fill out the specific form delivered there. The next Complete Count Committee meeting is March 31 at the Chamber Office. They hope to have the highest turn out for a community in the Nation and encouraged everyone to fill out their forms. It is not necessary to be a citizen of the U.S. to fill out these forms. Westover asked applicants to be patient and to please fill out their form.

VII. **PERSONS TO BE HEARD**

None.

VIII. **REPORTS**

a. Mayor

Mayor McAdams thanked the community for the 200+ people that attended or spoke at the recent Town Meeting on SB 881. There was a robust dialogue that may serve as a point of greater understanding. He attended the Government-to-Government semi-annual dinner meeting and had a good conversation on shared interests. He was happy to report Duquesne University met recently and directed their administration to continue to explore Sheldon Jackson College.

b. Administrator

Administrator Dinley reported on the Commercial Passenger excise tax and thanked the public for their participation in recent meetings. They are at 65-70% of the design stage. The Building Department had an inspection and did well, it was noted they have a strong Fire Code Inspection Program. The State Assessor recently audited the local office and was impressed. The Harrigan Centennial Hall restrooms remodel should be done by the end of April.

c. Attorney

Reported she was in Anchorage last week for Alaska Supreme Court hearing on the Sawmill Cove Industrial Park (SMCIP) initiative, which created an automatic referendum requiring a public vote anytime any SMCIP property of a certain value was leased or sold, as well as made numerous administrative procedural changes to SMCIP operations. The two initiative sponsors had appealed the Superior Court

decision that rejected the proposed initiative in considering just the automatic referendum grounds alone. The Superior Court held that the automatic referendum created by the initiative violates State laws, Sitka Charter, and Sitka General Code because a contemporaneous petition with sponsors and supporting signatures are required before any initiative or referendum may go on the ballot. She explained that City & Borough of Sitka argued to uphold the Superior Court decision, or find the appeal moot because the petitioners cannot get the relief they sought, which was to get the petition on the 2008 ballot, and because no SMCIP property existed of the value that would be subject to public vote. It could take 6 months to one year before the Alaska Supreme Court rules.

d. Liaison Representatives

McConnell attended the USFS working group recently and from that workshop a sustainable recreational group was formed. They hope to have workable steps in place in October, with a final plan a year from now. Hackett, Ozment and McConnell attended the recent Housing Forum and came up with 5 action items. Those items will be getting fine tuned at the Long Range Planning and Economic Development Commission. Ozment relayed that the Climate Action Plan Task Force has completed a draft plan that will be up for discussion at their next meeting March 26, at 5 PM in Harrigan Centennial Hall.

e. Clerk

An Assembly Visioning Session has been set for Saturday April 10. Jerry Covey will facilitate.

f. Other

Westover asked if the new ballfields are on schedule to be open for different sports. Administrator Dinley noted the ballfields are currently being audited, but should be ready to go.

IX. CONSENT AGENDA

D [10-049](#) Approve the minutes of the March 9, 2010 Assembly Meeting.

MOTION by Stein to approve the Minutes of the March 9, 2010 Assembly meeting.

E [10-046](#) Reappoint Roger Ingman to a term on the Port and Harbors Commission and David Malone to a term on the Sitka Convention and Visitor's Bureau

The Assembly thanked the candidates for their service.

This item was APPROVED on the Consent Agenda.

X. UNFINISHED BUSINESS:

F [ORD. 10-01A](#) Amending SGC Section 11.13.02.295 entitled "Minimum Speed Regulation" to authorize low-speed electric vehicles on Sitka's highways, roads and streets

Sponsors: Stein and Ozment

Ozment believed it would be beneficial to ask the Police and Fire Commission for

their input.

MOTION by Ozment to refer Ordinance 2010-01A to the Police and Fire Commission for review and comment.

Yes: 6 - McAdams, Ozment, Stein, Westover, Crews, and McConnell

Absent: 1 - Hackett

XI. NEW BUSINESS:

New Business FIRST Reading

G **ORD-10-02** Adjusting the FY 2010 Budget for changes identified during the Second Quarter FY 2010 Formal Budget Execution Review

Sponsors: Administrator's Office

For the listening audience, Stein noted Finance Director Dave Wolff reviewed much of these materials in detail at an earlier worksession.

MOTION by McConnell to approve Ordinance 2010-02 on first reading.

Yes: 6 - McAdams, Ozment, Stein, Westover, Crews, and McConnell

Absent: 1 - Hackett

H **ORD 10-03** Amending SGC at Section 10.44.070 entitled "Offers of Sale and Presence on Licensed Premises (Standard Closing Hours)" to amend the Title and the Sunday hours

Sponsors: Hackett and McAdams

Chief Schmitt stated the Police and Fire Commission should be able to review and comment on this ordinance. By doing so, it also gives an additional opportunity for public input.

MOTION by Stein to refer Ordinance 2010-03 to the Police and Fire Commission for review and comment.

Yes: 6 - McAdams, Ozment, Stein, Westover, Crews, and McConnell

Absent: 1 - Hackett

I **ORD 10-04** Amending SGC at Chapter 9.20 entitled "Smoking in Public Places and Places of Employment" to prohibit Smoking in Bars and in Private Clubs licensed to sell food or alcoholic beverages, set a minimum reasonable distance for non-smoking outside public places, make additional enforcement requirements, and make clarifying amendments.

Sponsors: McAdams and Stein

More than a dozen people spoke in support of the ordinance citing health concerns. Only three people spoke in opposition, citing people's rights and the economic impact.

Westover, an ex-smoker who dislikes second hand smoke, is most troubled by the process. She spoke to a bar owner only yesterday and they weren't aware of this ordinance. She noted the affected businesses should have been notified beforehand.

She would support if done differently. Stein believed the ordinance warranted a third reading. When the Elks went smoke-free they made a difficult choice and there was compromise. He agreed with Stan Filler that Ernie's would lose business initially but would survive. Ozment shared it is a difficult issue, balancing the rights of both people - smokers and non-smokers. He said the ordinance should be amended by a vote of the citizens. McConnell agreed it is an emotional issue and mentioned personal and business rights, both areas felt strongly about. McConnell expressed the need for several readings and would support taking it to another reading. Mayor McAdams spoke in favor of the ordinance. He has heard the message from proprietors "loud and clear" and has empathy for those that have built something over the period of years with their own two hands. The entire community benefits from the work that organizations like CHARR do. But ultimately, to him it is clear, to deny the impact of second-hand smoke due to the evidence.

Testimony on the amendment follows:

5 people who spoke earlier in support of passage expressed their opposition to the amendment. Ernie's Bar owner Stan Filler, supported the amendment because of the complexity of issue. The issue is important enough to warrant additional readings. Will Swagel urged a fourth hearing if needed.

Westover reiterated that the businesses didn't know about this until yesterday. She related that three readings isn't going to hurt and it will make the process more open. McConnell spoke to the enactment date expressing concerns with stretching the passage date out. She would like to see a change in the summer versus winter months. Crews said the amendment would give folks an opportunity to testify. Stein noted he did not want to limit personal liberties and supported giving folks an opportunity to share their view point.

MOTION by Crews to amend to support three readings of this ordinance.

5 people spoke against the amendment. Ernie's Bar owner Stan Filler, supported the amendment because of the complexity of issue. The issue is important enough to warrant additional readings.

Motion on the amendment PASSED

4 - Ozment, Stein, Crews and Westover 2 - McAdams and McConnell voting against.

MOTION by Stein to approve Ordinance 2010-04 on the first of three readings as amended PASSED on the following vote:

Yes: 6 - McAdams, Ozment, Stein, Westover, Crews, and McConnell

Absent: 1 - Hackett

Additional New Business Items

- J** **10-047** Award a contract to Admiralty Construction Inc. for completion of the Cove Sewer Lift Station
- Administrator Dinley recommended approval. Public Works Director, Michael Harmon, clarified that the money comes from a grant and Waste Water Treatment Plant fund. He explained a sewer lift station where you need to get the sewer up and over a hill through a pressure/pump process to the treatment plant.*

MOTION by Stein to award a contract to Admiralty Construction Inc. for completion of the Cove Sewer Lift Station, in the amount of \$228,300.00.

Yes: 6 - McAdams, Ozment, Stein, Westover, Crews, and McConnell

Absent: 1 - Hackett

K [10-048](#)

Award a contract for Sawmill Cove Industrial Park Intermodal Facility Paving to Admiralty Construction, Inc.

Administrator Dinley offered history on the bid and Public Works Director, Michael Harmon was present to answer questions. Westover wanted some assurance this would not have to be dug up after being paved. Harmon said most of the infrastructure is new. Dan Jones is project manager and has a long history with the site. Mayor McAdams reaffirmed that the infrastructure will have the capacity for growth of the park. Stein wondered about the RFP for marine services out there, if it would intersect with the paving. Harmon was not aware of conflict to date. The paving window is small. They would be able to get in and out through most of the project.

MOTION by McConnell to award a contract to Admiralty Construction Inc. for construction of the Sawmill Cove Industrial Park Intermodal Facility Paving Project in the amount of \$1,526,875.00.

Yes: 6 - McAdams, Ozment, Stein, Westover, Crews, and McConnell

Absent: 1 - Hackett

XII. PERSONS TO BE HEARD:

Dirk White thanked the Assembly for approving the lift station. He read an excerpt from a USA Today article entitled "Alaskan's Fear for their way of Life." The article cited a quote from the Mayor. White commented it was good to see Sitka in the news.

Andrea Thomas expressed the importance of smoke free laws and to base things on fact and not fear. She reiterated her earlier testimony on the importance of the US Government and their related studies on the subject.

XIII. ADJOURNMENT

MOTION by Westover to adjourn the meeting. The meeting ADJOURNED at 8:45 PM by unanimous consent.

ATTEST:

Colleen Ingman, MMC, Municipal Clerk